

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT (CORRECTED)
LB512

Hearing Date: Tuesday February 28, 2017
Committee On: Education
Introducer: Education
One Liner: Change provisions related to education

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld, Pansing
Brooks, Walz
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:
LaMont Rainey
Brian Halstead

Representing:
Education Committee Legal Counsel
Nebraska Department of Education

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 512 is a bill introduced on behalf of the Nebraska Department of Education (NDE) for the purpose of making several technical, clarifying and needed changes from the viewpoint of NDE. The section-by-section changes made under LB 512 are as follows:

Section 1. Amends section 9-812 to eliminate outdated language and to eliminate limitation of a specific fiscal year that NDE may use lottery funds for the payment of the ACT to be taken by 11th grade students;

Section 2. Amends section 79-237 to permit "current year" application for Enrollment Option Program;

Section 3. Amends section 79-2,144 to extend the date for completion of the assessment of every public school building by the NDE state school security director by 2 years due to budget cuts. Current completion date specified in this section is August 31, 2017 and the new date would be August 31, 2019;

Section 4. Amends section 79-319 for State Board duties to include language required under current federal law for Perkins career and technical education and permit the Legislature to outright repeal 8 sections of statute (79-321, 79-738, 79-739, 79-740, 79-741, 79-742, 79-743, 79-744) that were adopted to comply with federal law in the 1950's for "vocational education";

Section 5. Amends Section 79-575 to permit a school board to designate someone else to carry out the duties set forth in that section of statute for the secretary of the school board;

Section 6. Amends section 79-746 to reference State Board of Education and is related to section 4 above.

Section 7. Amends a definition in Section 79-1003 for TEEOSA to strike the "best practices allowance" which does not yet even exist in the formula and to eliminate outdated language. (See section 10 below);

Section 8-9. Amends sections 79-1007.11 and 79-1017.01 respectively to eliminate language related to "best practices allowance". (See section 10 below);

Section 10. Amends section 79-1054 to eliminate reference to the "best practice allowance" from an innovative grant awarded to be included in TEEOSA that would occur in the 2021-22 TEEOSA certification of aid;

Sections 11 & 13. Amends sections 79-1065 & 79-1144 respectively to permit NDE to utilize state funds for special education for a specific school district to repay the US Department of Education for that school district's failure to meet federal maintenance of effort requirements for IDEA instead of the school district having to send state funds to NDE and then NDE having to send those state funds to US Department of Education;

Section 12. Amends Section 79-1108.02 to strike the reference to section 9-812 (lottery funds) as being the source for high ability aid funds as high ability funds are now general funds;

Section 14. Amends Section 79-1218 to permit a board for an ESU to employ a secretary for the board instead of a member of the board being the secretary;

Section 15. Amends section 79-1221 to permit the secretary, treasurer or persons delegated by board for ESU to countersign warrants and permit the utilization of facsimile signatures;

Section 16. Amends Section 79-1225 to permit the designee of the ESU board to carry out the duty specified in that statute;

Sections 17-20. Amend sections of statute to strike a reference to statutes related to vocational education that are being outright repealed (as part of section 4 above);

Section 21. Repeals original sections of statute that have been changed by this act;

Section 22. Outright repeals 8 sections of statutes for vocation education (see section 4 above), to outright repeal the "best practices allowance", and to outright repeal the council on student attendance that the Governor's biennium budget would no longer fund for 2017-19.

Explanation of amendments:

1. Strikes original sections 5, and 14, 15 and 16 of LB 512 as introduced;

2. (Sections 1-3) Amends in LB 175 (Morfeld), which adopts the Student Online Personal Information Act and would prohibit technology companies who are invited or enter a contract with schools from using student data for targeted advertising or creating student profiles for non-educational purposes such as providing credit or insurance. LB 175 was amended in Committee by AM62 to provide clarifying language to terms and definitions;

Testifiers for LB175 (1/31/17)

Proponents:

Senator Adam Morfeld, Introducer

Anthony Wilson, Microsoft

Renee Hyde, NE Council of School Administrators/Papillion LaVista Public Schools

Jay Sears, NE State Education Association

Jon Habben, NE Rural Community Schools Association

Neutral:

Greg Adams, NE Community Colleges Association

3. (Section 4) Amends in LB 398 (Wayne) as amended by AM569, would create the new requirement that every swimming pool owned, rented, leased, or otherwise used by a school district for practice, competition, or any other school function must have at least one person present, who is currently certified by a nationally recognized aquatic training program in first aid, cardiopulmonary resuscitation, and drowning risk prevention;

Testifiers for LB398 (2/27/17)

Proponents:

Senator Justin Wayne, Introducer

Neutral:

Nathan Leach, self

4. (Sections 6, Section 11, subsection (23) & Section 14) Amends in LB 457 (Briese) as introduced, which bill would remove the exemption from the budget and levy limitations that are currently provided for voluntary termination agreements under Nebraska Revised Statutes sections 77-3442, 79-1003, and 79-1028. Agreements entered into before the passage of this act will continue to receive the budget and levy exceptions but Voluntary Agreements entered into after the passage of this act must fit under a districts budget and levy limits;

Testifiers for LB457 (1/31/17)

Proponents:

Senator Tom Briese, Introducers

Opponents:

Renee Hyde, NE Council of School Administrators/Papillion LaVista Public Schools

Larry Scherer, NE State Education Association

5. (Section 17) Amends in LB 235 (Walz), which bill amends section 79-10,141 (Summer Food Service Program...) to clarify that a sponsor that receives a grant under this program, no longer has to prorate the grant amount over the number of months that the program would operate. Grant recipients would be able to utilize the full amount of a grant received towards the summer food program. Grants provided under this section are limited to a maximum of \$15,000. LB 235 was amended in committee by AM685 to reduce the total amount of funds to be appropriated from \$140,000 to \$100,000;

Testifiers for LB235 (1/23/17)

Proponents:

Senator Lynne Walz, Introducer

Linda Richards, Ralston Public Schools

Sharon Davis, NE Dept of Education

Kaitlin Reece, Voices for Children of NE

6. (Sections 20-21, 27-36) Amends in LB 123 (Pansing Brooks), as amended by AM34, would establish the Guaranty Recovery Cash Fund, which allows students who suffer financial harm due to the closure or termination of a for-profit postsecondary educational institution to make a claim against the fund for a refund of lost tuition and fees. To fund the Guaranty Recovery Cash Fund, the Coordinating Commission on Postsecondary Education will assess each for profit postsecondary institution one-tenth of one percent of the prior school year's gross tuition revenue until the Guaranty Recovery Cash Fund reaches the minimum fund level of \$250,000. LB 123 also allows the Coordinating Commission for Postsecondary Education to require a surety bond to provide protections to students until the Guaranty Recovery Cash fund reaches its minimum level. Additionally, LB 123 requires student records to be maintained and transferred when a school ceases operation, which will allow students to access their records. Finally, LB 123 requires for-profit postsecondary institutions to reimburse the Nebraska Opportunity Grant Fund for academic terms not completed by students receiving awards under the fund when the institution terminates operations. LB 123 was amended in committee by AM34, to clarify that for-profit postsecondary institutions that go out of business under this act, shall turnover its records and or transcripts to the central depository at the University of Nebraska at Lincoln;

Testifiers for LB123 (1/24/17)

Proponents:

Senator Patty Pansing Brooks, Introducer

Mike Baumgartner, Coordinating Commission for Post-Secondary Education

Ken Smith, NE Appleseed

Rich Morrell, University of Nebraska-Lincoln

7. (Section 23) Implements changes proposed by AM375 which was presented at the LB 512 hearing by the Nebraska Department of Education, to amend section 85-502.01, which section ensures that Nebraska remains compliant with federal rules and regulations, which require that qualifying veterans, a veteran's spouse, or veteran's dependents are considered state residents for tuition purposes, when attending Nebraska Postsecondary Institutions while using federal benefits such as the Post 9/11 G.I. Bill, to pay their tuition. Without the changes provided in this section, Nebraska Postsecondary Institutions would be ineligible to receive federal funds provided under these programs;

8. Provides an Emergency Clause for sections 5-19 and sections 22-26 of this act.

Mike Groene, Chairperson